

Serial No. 10/849,977 - Fanta et al.

REMARKS

Claims 1-17 and 28 are now in the case.

Claims 18-27 have been canceled.

No Claim has been allowed.

**The Rejection under 35 U.S.C. §103(a).**

Claims 1-17 and 28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Fanta et al. (*J. of Applied Polymer Science*) in view of Weaver et al. The Examiner has taken the position that the earliest effective filing date for the current application is November 20, 2002, since the parent U.S. application does not support the graft copolymer limitations. The arguments submitted in the response filed on September 23, 2005, are incorporated herein. The Examiner has dismissed those arguments along with the Declarations under 37 CFR §1.132 by coauthors Shogren and Salch, even though the declarations indeed constitute a showing that the publication was published by Applicants themselves. Notwithstanding, withdrawal of the rejection is in order for the following reasons.

As suggested by the Examiner, submitted herewith a Declaration under 37 CFR §1.132 by Applicants

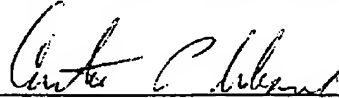
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Fanta and Felker establishing that the Fanta et al. publication describes Applicants' own work and is a publication of Applicants' own invention. The declaration further establishes that coauthors Randal L. Shogren and John H. Salch were merely working under the direction of Applicants.

**Summary.**

The accompanying Declaration under 37 CFR §1.132 effectively establishes that the primary reference in the rejection under 35 U.S.C. §103(a) is a non-barring disclosure by the Applicants themselves. Accordingly, the rejection is deemed to be overcome, and all claims submitted for consideration are believed to be in condition for allowance. If the Examiner wishes to discuss any remaining issues in the case, she is invited to call the undersigned at (309) 681-6512.

Respectfully submitted,



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